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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on 6th May, 2005:—

I

BILL NO. XXXIV OF 2005

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 2005.

(*2*) It shall come into force at once.

Amendment of article 217.

2. In article 217 of the Constitution, in clause (*1*), for the word "sixty-two", the word "sixty-five" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Constitution of India compels a Judge of the High Court to retire on completion of the age of sixty-two years, whereas a Judge of the Supreme Court retires at the age of sixty-five. This is arbitrary and illogical in the extreme. The health and intellectual capacity of a Judge of the High Court do not get enhanced by promotion to the Supreme Court. Prescribing a uniform age of retirement for both shall prevent the unseemly scramble for promotion amongst senior Judges of the High Court.

RAM JETHMALANI

I

BILL NO. XXII OF 2005

A Bill to provide for the protection of indigenous domestic industries from the onslaught of Multinational Companies adopting unfair trade practices in pricing, etc. thereby making the domestic industry sick and ultimately acquiring such sick industry and to put a check on such practices of multinational companies by establishing a National Fair Practices Commission and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. *(1)* This Act may be called the Indigenous Domestic Industries (Protection from Multinational Companies) Act, 2005.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act unless the context otherwise requires,—

(a) "Commission" means the National Fair Practices Commission established under Section 3;

(b) "prescribed" means prescribed by rules made under this Act.

Establishment of Commission.

3. (*1*) The Central Government shall, as soon as may be, but not later than six months from the commencement of this Act, by notification in the Official Gazette, establish a Commission to be known as the National Fair Practices Commission to exercise the powers conferred upon, and to perform the functions assigned to it under this Act.

(2) **The Commission shall consist of a Chairperson, Vice Chairperson and five members who shall be appointed by the Central Government in the following manner:**

(a) **the Chairperson and the Vice Chairperson shall be appointed from amongst the sitting or former Judges of the Supreme Court or High Courts, as the case may be;**

(b) **the members shall be appointed from amongst the persons having knowledge and experience in the matters of industry, policy making and administration.**

(3) **The term of office of the Chairperson, Vice Chairperson and members of the Commission shall be such as may be prescribed.**

(4) **The headquarters of the Commission shall be at Jaipur in the State of Rajasthan.**

Secretariat of the Commission.

4. The Central Government shall appoint a Secretary to the Commission and such other staff on such terms and conditions as it deems fit for the efficient functioning of the Commission.

Functions of the Commission.

5. The functions of the Commission shall be to—

(a) inquire or cause an inquiry or investigation to be made on a complaint made by an enterpreneur of an indigenous domestic industry wherein it is alleged that a Multinational Company (hereinafter referred to as MNC) is adopting an unfair practice of lowering the price of its products to such a lower level which may adversely affect the viability of similar indigenous industry leading ultimately to its closure.

(b) ensure healthy competition amongst the domestic industries and MNCs.

(c) tender advice to the Central or State Governments on such matters relating to industries or MNCs, as the case may be, as may be referred to it by the concerned Government.

Powers of the Commission.

6. The Commission shall, while conducting any inquiry under this Act, have all the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 and in particular in respect of the following matters, namely: 5 of 1908.

(*a*) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(*b*) requiring the discovery and production of any document;

(*c*) receiving evidence on affidavits;

(*d*) requisitioining any record of any indigenous industry of MNC as the case may be;

(*e*) any other matter which may be prescribed.

Proceedings of the Commission.

7. *(a)* The proceedings of the Commission shall be conducted at its headquarters in such manner as may be prescribed.

(*b*) The Commission shall be deemed to be a Civil Court and every proceedings before the Commission shall be of the nature of a Judicial proceeding.

Reports.

8. *(1)* The Commission shall present its Report on every complaint or bunch of complaints of similar nature to the President containing its recommendations.

(2) On receipt of each report, the President shall cause the same to be laid before each House of Parliament with action taken on such report.

Power to remove difficulties.

9. *(1)* If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty.

(2) Every order made under this Section shall, as soon as may be, after it is made, be laid before each House of Parliament.

Power to make rules.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Indian industries are poised to be wiped out by unfair trade practices being adopted by the Multinational Companies (MNCs). They are taking advantage of their deep pockets rendering Indian Companies to incur huge losses to drive them out of business. In the aftermath of liberalisation and globalisation of economy competition has increased leading to increase in the number of foreign products available resulting in reduction of prices. There are instances in India, where MNCs have put their prices down to make the business of others down. If it is analysed, it is nothing but a predatory pricing policy being adopted by these companies to make the Indian industry sick, so that MNCs can buy them. With foreign competition really hotting up and engulfing Indian Industry, clearly such a Governing Body is required urgently for protecting Indian Companies from fierce competition with MNCs.

Hence this Bill.

SANTOSH BAGRODIA

FINANCIAL MEMORANDUM

Clause 3 provides for the establishment of a National Fair Practices Commission. Clause 4 provides for the Secretariat of the Commission. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of Rs. two crores may be invovled as recurring expenditure per annum.

A sum of Rs. five crores may also involve as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made relate to matters of details only, the delegation of legislative power is of a normal character.

III

BILL NO. XXI OF 2005

A Bill to provide for the prevention of ragging in colleges and institutions and for matters connected therewith.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Prevention of Ragging in Colleges and Institutions Act, 2005.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions.

2. In this Act unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a state, the Government of that state and in other cases, the Central Government;

(*b*) "freshers" means those students who have taken admission in the first year of under-graduate level in any stream in any college or institution;

(*c*) "Institution" means a place or organization where facility for higher or professional education is provided whether private or Government;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "ragging" means display of disorderly conduct, doing of any act which causes or is likely to cause physical or psychological harm or raise apprehension or fear or shame or embarrassment to a student in any college or institution;

(*f*) "seniors" means those students who are not in first Year of under-graduate or post-graduate level in any stream in any college or institution.

3. (*1*) Notwithstanding anything contained in any other law for the time being inforce the Central Government shall, as soon as may be, but within six months from the date of commencement of this Act, formulate such directives for a ban on ragging in all Colleges and Institutions functioning under Central Government as may be prescribed.

(*2*) The Central Government shall, issue similar directives to all State Governments for similar ban on ragging in all colleges and institutions in their respective jurisdiction.

(*3*) The ban under sub-section (*1*) shall also be extended to all colleges and institutions in all Union Territories.

Penalty.

4. (*1*) Whoever contravenes the provisions of section 3, shall be punished with rigorous imprisonment for three years and with a fine of rupee twenty-five thousand.

(*2*) The appropriate Government shall direct UGC or the funding agency of the college or the institution, as the case may be, to take such steps against the institution which fails to curb ragging as it may deem necessary.

Task Force.

5. *(1)* The appropriate Government shall, constitute a Task Force or a special unit under the respective local Police Department during the time of admission and the first quarter of academic session for active involvement in implementing the provision of this Act.

(2) After the first quarter the Task Force shall be used in the University Campus or College or Institution area in such manner as may be prescribed.

(3) In case the State Government fails to constitute such a Task Force or fails to lend support to the Task Force, the Central Government shall be empowered to intervene for constituting the Task Force for the State or States and grant it full rights under this Act.

(4) The appropriate Government shall extend its full support to the Task Force to enable it to perform its duties to the fullest to ensure that all Colleges and Institutions are rid of ragging and harassment of freshers.

(5) The Task Force shall comprise of both young policemen and women which shall be headed by a person not below the rank of a Police Inspector of the area in districts/towns/ small cities for State level, and shall have the following duties;

(a) intimate the managements of all Colleges and Institutions in their campus areas of their objectives.

(b) ensure compliance of all rules made under this Act.

(c) to move around in civil clothes and whenever required, in uniforms.

(d) ensure the safety of all staff and students (both freshers and seniors) in and around campus area.

(e) maintain strict secrecy and impartiality during exercises, operations and investigations.

(f) follow out number of surveillance exercises on campus areas.

(g) make surprise checks in any and all Colleges and Institutions to keep a check on ragging.

(h) make surprise checks in hostels.

(i) to be in constant touch with the staff and consult on various ragging incidences in their respective College or Institution.

(j) take inputs from various people including staff and freshers on any incident that comes to light.

(k) to give necessary support in terms of maintaining secrecy, moral, mental, medical, etc. to all students who have been victims of ragging.

(l) after thorough investigation, consider reports or complaints of parents of victims against any senior(s).

(m) to issue one formal warning after asserting the identity of any senior(s) either caught red handed or on a formal complaint by a junior or fresher against ragging.

(n) to intimate the management of that college about the warning of the student(s) on charges of ragging.

(o) after the warning if the same senior(s) indulge(s) in ragging or harassing, officers of the Task Force will make arrest and inform the college of the arrest.

Annual report on the functioning of Task Force.

6. *(1)* Every year all task forces shall present the facts and figures to their respective Commissioners of police on the number or ragging cases reported and details of actions taken against each case.

(2) The detail under sub-section (*1*) shall also be presented to the Ministry of Home Affairs and the Ministry of Human Resource Development of appropriate Government.

Overriding effect of the Act.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, or any instrument having effect by virtue of any enactment other than this Act.

Power to make rules.

8. The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The Bill intends to abolish the practice of ragging and/or harassment from all Colleges and Institutions, in an effort to clean up the social stigma that it causes. In no other country's education institutions ragging takes place except in India. The Bill intends to introduce stricter laws against ragging. The objective of the Bill is to make the campus areas free from any social injustice, mental, physical and/or sexual harassment that thousands of the students face each year during their first few months in college. The enactment of the Bill would see the decline and finally abolition of ragging on campus areas.

The Bill seeks to achieve the above objectives.

SANTOSH BAGRODIA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

IV

BILL NO. LII OF 2005

A Bill to provide for basic rights, facilities and welfare measures to be taken by the State for the children and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Children (Rights, Facilities and Welfare) Act, 2005. Short title, extent and commencement.

(*2*) It extends to the whole of India.

(*3*) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires:— Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "child" means a person who is under the age of sixteen years;

(c) "prescribed" means prescribed by rules made under this Act.

3. Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the appropriate Government to,— Steps to be taken by appropriate government.

(i) **provide free basic education to all children in Government or private, aided or unaided schools, in Hindi, English or their mother tongue as the case may be;**

(ii) **bring awareness to all parents for their children's education and encourage parents to send their children to school regularly;**

(iii) **ensure maintenance of good educational facilities with good educational and teaching equipment in all schools;**

(iv) **ensure a healthy environment in all schools with clean toilets and clean drinking water as basic amenities;**

(v) **ensure capable staff in all schools run by the Government;**

(vi) **ensure clean and healthy food for mid-day meals wherever the scheme is applicable;**

(vii) **ensure secondary and higher level education at free or subsidized rates for poor children with scholarship opportunities for all children in all schools;**

(viii) **ensure industrial and technical training to all children who have not received basic education or have become dropouts from schools;**

(ix) **ensure to provide ample employment opportunities and self employment opportunities for all children who have received basic, secondary and/or technical training;**

(x) **ensure that children are not exploited, abused, maltreated, forced into labour or sexual misconduct, or any other exploitation by either their parents or teachers at schools or any adult or Government employee like police, etc;**

(xi) **ensure the safety of all children on the streets including rag-pickers, shoeshine boys, any other that are living off the streets from hoodlums and other anti-social elements;**

(xii) **ensure that every District Police Station has a cell similar to Women's Cell, that would deal with any complaint made for or on behalf of children or by any child directly, with information of the same to all police stations of that district;**

(xiii) **while lodging complaints ensure the presence of the child's (victim) parents, his or her lawyer or any lawyer appointed by the appropriate Government;**

(xiv) **ensure that children are not denied justice through any oppression, prejudice or any other misdemeanor;**

(xv) **lay down norms and laws for recognition and registration of voluntary and non-governmental organizations engaged in the welfare of children.**

Establishment of Child Welfare Committee.

4. The appropriate Government shall establish a Committee to be known as the "State or Union Territory Child Welfare Committee" (hereinafter referred to as the State Committee or Union Territory Committee) which shall consist of a Chairman and two other members having special knowledge or practical experience in the filed of education, medicine, sports, culture and social services.

Duties of State and Union Territory Committee.

5. It shall be the duty of every State and Union Territory Committee to:—

(1) Make recommendations regarding the ways to improve the health and proper maintenance of the children;

(2) suggest the type of education which should be imparted to each child, including vocational training;

(3) provide free hostel facilities and scholarship to deserving children;

(4) ensure clean and healthy food for mid-day meals wherever the scheme is applicable;

(5) ensure safety of all children on the streets;

(6) lay down norms and laws for recognition and registration of voluntary and non-governmental organizations engaged in the welfare of children.

6. It shall be the duty of the Central Government to carry out the policy of the State and Union Territory Committee into effect by providing necessary funds and materials. Duty of Central Government.

7. The Central Government may, by notification in the official gazette make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Children are the future of society and the country. If they are neglected, we can be sure of complete disaster in future. It is our responsibility to provide them with proper education and healthy environment for their physical and social activities, then only they will develop their mental faculties in the right direction. If children are strengthened, society and the country can be strengthened.

Hence this Bill.

SANTOSH BAGRODIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for certain rights and facilities for children like free basic education, clean and healthy food, healthy environment in school, ample employment opportunities, etc. Clause 4 provides for establishment of State and Union Territory Child Welfare Committee.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. Clause 6 creates a duty on the Central Government to carry out the policy of the State and Union Territory Committees into effect through release of funds and materials.

It is estimated that an annual recurring expenditure of about rupees five hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

V

BILL NO. XIV OF 2005

A Bill to provide for population control through promotion of voluntary sterilization among eligible couples having two living children and measures for promoting two child norm and for matters connected therewith.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Two Child Norm Act, 2005. Short title, extent and commencement.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act unless the context otherwise requires, "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government. Definition.

3. It shall be the duty of the Central Government to encourage, promote and motivate couples to adopt small family of two child norm with a view to ensure a decline in birth rate and to control the rising population in the country. Duty of the Central Government, to promote two child norm.

Appropriate Government to provide benefits to couples having one child who undergo sterilization.

4. If either the husband or the wife having only one living child on the date of commencement of this Act, voluntarily undergoes sterilization, the appropriate Government shall provide the couple with the following benefits, namely:—

(1) **free education including higher education to such child;**

(2) **suitable employment to such child after he completes his education; and**

(3) **such other benefits as may be prescribed by rules made under this Act.**

Family.

5. One family shall consist of husband and wife and shall have only two living children.

Persons working under the Government to give undertaking.

6. *(1)* Any person who is serving in connection with the affairs of the Union or of State or in any undertaking or organization under the control of the Government, as the case may be, and who has only two children or who has not procreated any child or who is unmarried on the date of commencement of this Act, shall give an undertaking that he shall not procreate more than two children.

(2) Any person violating the provisions of sub-section *(1)* shall be subject to such disciplinary action as may be determined by the appropriate Government.

Penalty.

7. Any person who contravenes the provisions of section 5 shall be punished with simple imprisonment for not less than five years and with fine, which shall not be less than twenty thousand rupees.

Overriding effect of the Act.

8. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

Power to make rules.

9. The Central Government may, by notification in the official Gazette make rules to give effect to provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Rapid increase in the population has given rise to many socio-economic problems like poverty, food, housing shortage, unemployment, environmental degradation, etc. We are the second most populous country after China. If the present trend continues, it will not be possible for us to tackle the socio-economic problems which would be beyond control due to population explosion. It is, therefore, imperative that certain effective steps should be taken to check the increasing growth of our population. Since our resources are limited, proper upbringing of children is possible only if the size of the family is limited. Despite existence of various birth control measures and various family planning programmes, the problem of over population still remains.

The Bill, therefore, seeks to promote voluntary sterilization among the eligible couples having two children and also provides for certain measures like providing free education and employment to one child for promoting small family norms in the future generation.

Hence this Bill.

T. SUBBARAMI REDDY

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for certain benefits to be given to those who undergo sterilization voluntarily. The Central Government shall have to incur some expenditure for implementing the provisions of this Bill in respect of Union Government and the Government of Union Territories. The State Governments will incur expenditure in respect of their State out of their respective consolidated funds. The Bill, therefore, will involve an annual recurring expenditure of about rupees fifty crore every year from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made relate to matters of detail only, the delegation of legislative power is of a normal character.

VI

BILL NO. XIII OF 2005

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. *(1)* This Act may be called the Constitution (Amendment) Act, 2005.

(*2*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 51A.

2. In article 51A of the Constitution in clause *(e)*, after the words, "dignity of women;" the words "to protect and safeguard women from harassment, mental and physical abuse and to desist from giving or taking dowry or encouraging or advocating the same;" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Women constitute half of the total population in the country. But they are harassed, abused, insulted and neglected. Of late, there has been a spurt in dowry related cases resulting in the death of the woman. Punishment of culprits involves a long time lag. Cases in courts linger for long. Law alone cannot prevent maltreatment of women. It is necessary to educate people and to sensitize them on gender related issues. It is the duty of every citizen of the country to renounce violence against woman, desist from giving or taking dowry and protect women from crimes. It is, accordingly, proposed to amend the Constitution so as to include this aspect as a fundamental duty of every citizen.

Hence this Bill.

T. SUBBARAMI REDDY

VII

BILL NO. XVIII OF 2005

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2005.

Insertion of new article 21B.

Right to dwelling unit.

2. After article 21A of the Constitution, the following article shall be inserted, namely:—

"21B. All citizens having a family shall have the right to a dwelling unit with all modern facilities in accordance with such norms as Parliament may by law prescribe.

***Explanation.*—For the purposes of this article "Family" means husband, wife and two minor children."**

STATEMENT OF OBJECTS AND REASONS

Shelter is the basic necessity for sustaining life. Right to life and other guarantees for the well-being of the citizens enshrined in the Constitution are meaningless for the millions of persons who have no shelter. It is necessary that right to shelter is guaranteed and made a fundamental right.

Hence this Bill.

T. SUBBARAMI REDDY

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that each family shall have the right to dwelling unit. The Bill, if enacted, will involve expenditure for providing houses to families who are not having houses. Though housing basically is a State subject, yet the Central Government has to give grants to the State Governments for implementing the provisions of the Bill. It is estimated that an annual recurring expenditure of about rupees ten thousand crore is likely to be involved.

A non-recurring expenditure of rupees two thousand crore is also likely to be involved.

VIII

BILL NO. XXXIII OF 2005

A Bill to provide for the formulation and implementation of a national policy for the youth of the country for their progressive developmental opportunities including educational, sports and vocational training facilities, healthcare, employment opportunities, self employment and youth cooperatives and provision of unemployment allowance in case of unemployment and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Youth (Educational, Employment and other Progressive Opportunities) Act, 2005.

(*2*) It extends to the whole of India.

(*3*) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(*b*) "prescribed" means prescribed by rules made under this Act;

(*c*) "Youth" includes all citizens, men and women, who are between the age group of eighteen and forty years.

Progressive National Youth Policy.

3. (*1*) The Central Government shall, as soon as may be, but within one year of the commencement of this Act, formulate a Progressive National Youth Policy for overall development of the youth providing for educational, sports, vocational training, healthcare, employment and self employment and other facilities as may be deemed necessary for that purpose for being implemented by the appropriate Government.

(*2*) The Youth Policy so formulated under sub-section (*1*) shall be laid before each House of Parliament for consideration and if deemed necessary for any alteration which may be suggested by each House of Parliament.

Educational facilities to the youth.

4. (*1*) The appropriate Government shall provide the following free educational facilities to the youth for their proper development, namely:—

(*a*) education at all levels from school to college and university including medical, technical, education in the field of Information Technology and computers including practical training wherever required;

(*b*) study materials such as books, notebooks, writing material, stationery, instruments, etc.;

(*c*) scholarships in deserving cases;

(*d*) hostel facilities in deserving cases;

(*e*) such other facilities as may be prescribed.

(*2*) For the purposes of sub-section (*1*) the appropriate Government shall establish such number of Institutes, Colleges, Universities and Vocational Centres as it may deem necessary for that purpose.

Sports facilities for the youth.

5. (*1*) The appropriate Government shall provide to the youth,—

(*a*) necessary requisite sports facilities, kits, equipment, sports material and infrastructure like playgrounds, stadia, swimming pools, etc. for participating in various indoor and outdoor sports;

(*b*) facilities and financial assistance and other welfare measures for those who have represented or may represent the country in any sport event;

(*c*) such other sports related facilities as may be prescribed.

(*2*) For the purposes of sub-section (*1*) the appropriate Government shall establish such number of playgrounds, stadia, swimming pools, tracks, etc. as it may deem necessary for that purpose.

Vocational training.

6. The appropriate Government shall provide or arrange to provide training to the youth in various trades and vocations through Industrial Training Institutes and other Vocational Institutes and through apprenticeship in factories and corporate establishments including Government establishments and Information Technology and Computer training through such institutions as may be recognised by the appropriate Government from time to time.

Medical facilities to the youth.

7. The appropriate Government shall provide such free medical facilities to the youth through Government Hospitals and other healthcare centres and Private Hospitals in such manner as may be prescribed.

Gainful employment.

8. (*1*) The youth shall have the right to gainful employment after completing the education or training in any vocation, as the case may be.

(*2*) It shall be the duty of the appropriate Government to provide gainful employment to the youth prescribed under sub-section (*1*).

Unemployment allowance.

9. In case the appropriate Government fails to provide gainful employment to the youth under the provisions of this Act, they shall be paid unemployment allowance till they are provided with gainful employment at such rate and in such manner as may be prescribed.

Free rail and bus journey for youth.

10. Notwithstanding anything contained in any other law for the time being in force the unemployed youth shall have the right to free journey in bus or train, as the case may be, for appearing in any competitive examination or for attending any interview in connection with a job, as the case may be in such manner and with such terms and conditions as may be prescribed.

Self-employment opportunities.

11. It shall be the duty of the appropriate Government to promote self-employment, Self-Help Groups and Youth co-operatives to run outlets of petroleum products, fertilizers, insecticides and pesticides, food processing, milk vending, rearing of livestock, poultry farming and setting up of handicraft units, khadi and village industries units by providing them cheap credit from Banks including co-operative Banks and other financial Institutions in such manner as may be prescribed.

Central Government to provide requisite funds.

12. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the States and Union Territories for implementation of the provisions of this Act.

Act to have overriding effect.

13. The provisions of this Act and of any rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the youth.

Power to remove difficulties.

14. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of such difficulty.

Power to make rules.

15. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The youth play a dominant role in the polity as well as in the development of a nation. Many revolutions in the world owe their success to the power of the youth and their determination. If the youth is not harnessed in a systematic way, they may be exploited by anti-social and anti-national forces which make them insurgents, terrorists, extortionists, dacoits, drug peddlers, kidnappers, thieves, etc. ever ready for bloodshed and heinous crimes against the humanity or even against their motherland. That is exactly what is happening in our country where the youth is facing severe unemployment and lack of other opportunities necessary to lead a good life. Even after more than five decades of our independence we do not have our own Youth Policy, which can cater to the needs and aspirations of the youth. Lack of educational facilities and employment opportunities mostly followed by sports, medical and other facilities are haunting the youth of the nation. These requirements of the youth have to be addressed through a Youth Policy with determination of the Central and State Governments to implement it vigorously and sincerely.

Hence this Bill.

R.K. ANAND

FINANCIAL MEMORANDUM

Clauses 4 to 7 of the Bill provide for facilities like educational, sports, vocational training, medical free of cost to the youth. Clause 9 provides for payment of unemployment allowance to unemployed youth. Clause 12 provides that the Central Government shall provide requisite funds to the States. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crores may involve as recurring expenditure per annum.

A non-recurring expenditure to the tune of two thousand crore rupees may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

IX

BILL NO. XXXII OF 2005

A Bill to provide for the measures to promote small family norms by giving incentives to the couples for opting for small family and disincentives for those who do not opt for small family and for introduction of compulsory subject of population control in school syllabus and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title, extent and Commencement.

1. (*1*) This Act may be called the Promotion of Small Family and other Provisions Act, 2005.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(*b*) "fund" means the National Population Control Fund established under Section 10;

(*c*) "hospital" includes sub-centres, Primary Health Centres, dispensaries, clinics, Nursing Homes and every hospital run by appropriate Government or not.

(*d*) "prescribed" means prescribed by rules made under this Act.

Small family norm.

3. Notwithstanding anything contained in any other law for the time being in force or any tradition or custom prevailing, no person shall procreate more than two living children after a period of one year from the date of commencement of this Act.

Population Control as a subject in school education.

4. The appropriate Government shall introduce a compulsory subject of population control in the syllabus of all educational institutions for all children in Secondary and Senior Secondary classes irrespective of the course they are pursuing in such manner as may be prescribed.

Marriageable age.

5. Notwithstanding anything contained in any other law for the time being in force, no marriage shall be solemnized between a male who is less than twenty-five years of age and a female who is less than twenty-two years of age.

Incentives for small family norms.

6. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall give following incentives to a married couple,—

(*1*) who decide to remain childless throughout their lives,—

(*a*) one dwelling unit of appropriate size with necessary facilities, free of cost;

(*b*) one time cash reward in the form of savings certificate of rupees one lakh, if not in Government service;

(*c*) one time out of turn promotion, if in Government service; and

(*d*) free medical facilities, old age pension etc., as may be prescribed.

(*2*) If either the husband or the wife who has only one child one the date of commencement of this Act, voluntarily undergoes sterilization,—

(*a*) one dwelling unit of appropriate size with necessary facilities on concessional rates, as may be prescribed;

(*b*) education including medical and technical education to the child at the level he intends to pursue, free of cost;

(*c*) one time out of turn promotion to Government servant;

(*d*) in case the child is a girl child, one time cash reward of rupees one lakh in fixed deposits for a period of twenty years; and

(*e*) employment to the child after completing education.

(*3*) If either the husband or the wife who has two children and opt for small family voluntarily undergoes sterilization,—

(*a*) one dwelling unit of appropriate size with necessary facilities at concessional rates, as may be prescribed;

(*b*) free education including higher education to both the children;

(*c*) two advance increments in a Grade to Government employees and one time cash award of rupees twenty-five thousand for others; and

(*d*) such other benefits, as may be prescribed.

Disincentives for not adopting small family norm.

7. Every married couple having two living children, after a period of one year from the date of commencement of this Act, procreates children, such person shall,—

(*a*) notwithstanding anything contained in the election laws for the time being in force, not be eligible to contest election to either House of Parliament or State Legislature or local self Government and in case procreation of child takes place after election, he shall stand disqualified forthwith;

(*b*) not be allotted any house or land in a housing scheme launched by the appropriate Government;

(*c*) shall not be entitled to become a member of any Co-operative Group Housing Society.

(*d*) not be allowed to avail any loan or facility of any kind from any Government Company Bank and financial institution under the control of appropriate Government;

(*e*) not be entitled for ration card to draw ration, subsidized kerosene or any item from any Fair Price shop under the Public Distribution system;

(*f*) not be entitled to free medical facilities from any hospital run by or under the control of the appropriate Governments;

(*g*) not be entitled for free education for his children;

(*h*) not be eligible for appointment in an establishment or office or Public Sector Undertaking under the control of the appropriate Government; and

(*i*) not be entitled for such other facilities as may be prescribed.

Special provisions for Government employees.

8. Any Government employee or an employee of the Public Sector Undertaking or establishment under the control of the appropriate Government who procreates more than two living children shall not be entitled to any increment, or promotion in Service and CGHS, Pension and other facilities and shall also be subject to such disciplinary action as may be prescribed.

Establishment of Department of population control.

9. *(1)* The appropriate Government shall establish one exclusive Department of Population Control to deal with the measures for population control.

***(2)* The Department of Population Control shall give wide publicity through print, electronic and IT media about the threat of increasing population in the Country and about the incentives, disincentives and penal provisions of this Act.**

***(3)* The Department of Population Control shall also frame schemes for providing or regulating,—**

***(a)* facilities to be provided by hospitals for restricting procreation of two children by every couple;**

***(b)* procedure for maintaining record of the number of children procreated by every couple;**

***(c)* Placing reasonable restriction on couples or their children in matters of public employment;**

***(d)* involvement of media, Non Governmental Organisations, Women Organizations and Panchayats in controlling population; and**

***(e)* access to condoms, pills, copper T, and other birth control devices to the couples.**

Establishment of National Population Control Fund.

10. *(1)* The Central Government shall, as soon as may be, but within six months of the commencement of this Act, establish a Fund to be called the National Population Control Fund consisting of :—

***(a)* Sums paid to the Fund by the Central Government from time to time after due appropriation made by Parliament by law in this behalf;**

(b) Sums paid to the Fund by the Governments of the States; and

(c) donations received from body corporates, other bodies and Financial Institutions both domestic as well as international ones and general public.

(2) The Fund shall be utilized by the Department of Population Control for the purposes of this Act.

Penalty.

11. Whoever contravenes the provisions of sections 3 and 5 shall be punished with simple imprisonment for one year and also with fine of rupees fifty thousand.

Bar of Jurisdiction of Civil Courts.

12. No suit shall be brought in any Civil Court to set aside or modify any provisions of this Act and no injunction shall be granted by any court or other Authority in respect of any action taken in pursuance of any power conferred by or under this Act.

Act to have overriding effect.

13. The provisions of this Act and of any rules made thereunder shall have effect notwithstanding any thing inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

14. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The population of our country has already crossed one billion mark indicating that the rate of population growth in the country has assumed alarming proportions. Since Independence, population has increased by three times because in 1951 our population was only 33 crores. As a result today we are the second highest populous country after China on the globe. It has rightly been said in the context of our country that poverty results in the growth of population and population growth in turn increases poverty. This tremendous increase in population has given rise to many socio-economic problems like poverty, shortage of food and essential commodities, housing, educational facilities, potable water, civic amenities, health and transport facilities, unemployment and environmental degradation. This is also creating law and order problems and widening the gap between the haves and have nots which is making the situation explosive. In a family with limited resources, proper upbringing of children is possible only if the size of the family is limited.

If the present unprecedented increase in population continues it will not be possible for the country to keep a balance between the population growth and available opportunities and infrastructure. It has unfortunately been noticed that despite existence of various birth control measures and various family planning programmes, the problem of over population is still haunting us. Hence if we have to survive, no real impact can be made on population growth merely by creating a consciousness about family planning as long as that consciousness is not borne out by the day-to-day experiences of the masses. Stringent measures have to be introduced to control the population growth otherwise our future is certainly going to be doomed. Incentives for adopting small family norms and disincentives for violation of such norms have to be provided. Penal provisions have also become necessary. A separate Department of Population Control has to be created in the Government and a subject Population Control in School Curriculum for promoting small family norms has also to be provided. These measures will have the desired impact on the booming population of the nation.

Hence this Bill.

R. K. ANAND

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for incentives for practising small family norms. Clause 9 provides that the appropriate Government shall establish an exclusive Department of Population Control to deal with measures for population control. Clause 10 provides for the establishment of National Population Control Fund. The Bill, if enacted, will involve expenditure from Consolidated Fund of India. It is estimated that a sum of ten thousand crore rupees may involve as recurring expenditure per annum.

A non-recurring expenditure of rupees fifty crores may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

X

BILL NO. XXXI OF 2005

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title, and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 2005.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new article 21B.

2. After article 21 of the Constitution, the following article shall be inserted, namely:—

Right to housing.

21B *(1)* **All citizens who do not own dwelling units of their own shall have the right to appropriate dwelling units for them and their families from the State.**

(2) **The State shall make available to every citizen not having a dwelling unit of his own or any member of his family who desires to have a dwelling unit of appropriate size for him and his family at affordable prices and the dwelling units shall have the necessary facilities to make a good living therein.**

(3) **The State shall formulate special housing scheme for the senior citizens, physically challenged ones, and citizens belonging to Scheduled Castes, Scheduled Tribes, other Backward Classes and other weaker sections of the society.**

STATEMENT OF OBJECTS AND REASONS

Homelessness in the country is increasing day-by-day both in urban and rural areas due to booming population and other social and economic reasons. There is acute shortage of housing and millions of people live in the open braving the scorching heat of the summer, rains of the monsoon and chilling cold of the winter. In the cities, people can be seen living on footpaths, sheds of the bus stands, under flyovers and bridges, mainhole pipes and other open spaces with their families. Crores of families are forced to reside in desperately inadequate housing conditions like Jhuggi and Jhopri clusters, kucha and semi-pucca hutments in inhuman living conditions full of filth and stinking garbage and without basic amenities of water, electricity, sewerage, toilets, space, health facilities, etc. There are several Housing Boards and Authorities but for the citizens to have a house is becoming desperately longer and longer.

The Supreme Court has recognized right to housing by bringing it in the ambit of right to life. At the same time housing right has been recognized and reaffirmed in all international and regional covenants, which have been ratified by our country. Hence the Central and State Governments are under legal obligation to provide adequate housing to the needy citizens. Hence it has become more necessary to incorporate this right in the Constitution.

Hence this Bill.

R.K. ANAND

FINANCIAL MEMORANDUM

Clause 2 of the Bill gives right to housing as fundamental right to the citizens. Though the citizens will pay for the houses but the Bill if enacted will involve expenditure from the Consolidated Fund of India. Though the exact expenditure cannot be anticipated at this stage it is estimated that a sum of rupees one thousand crores per annum may involve as recurring expenditure.

Non recurring expenditure to the tune of ten thousand crores may also involve.

XI

BILL NO. XLVII OF 2005

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 2005.

(2) It shall come into force with immediate effect.

Insertion of new article 275A.

2. After article 275 of the Constitution, the following article shall be inserted namely:—

Grants from the Union to the State of Assam.

"275A. Notwithstanding anything in Article 275 of the Constitution, there shall be paid out of the Consolidated Fund of India such grants-in-aid of the revenues

of Assam as may be considered necessary for the special development of the State and for promotion of infrastructure so as to generate adequate employment opportunities and investment in the said sector:

Provided that such grants-in-aid shall be in addition to the annual allocations made by the Planning Commission to Assam and all other schemes of assistance from the Government of India:

Provided further that the scheme referred to under this article shall be reviewed on the expiry of every three years from the commencement of this Constitution (Amendment) Act".

STATEMENT OF OBJECTS AND REASONS

The State of Assam has been facing acute resources crunch for the past several years. This has been one of the main reason for not implementing various schemes in the social sectors. The money granted by the Central Government has not been adequate to meet the expenditure in this regard. The speedy development of the State is in the overall interest of the country because without development, there will be less employment generation and the lack of adequate employment opportunities will lead to discontentment, unrest and terrorism. It is, therefore, proposed to amend the Constitution to provide for additional Central help to expedite Assam's Development.

Hence this Bill.

KARNENDU BHATTACHARJEE

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the payment of such grants-in-aid of the revenues of Assam as may be considered necessary for the special development of the State and to promote infrastructure so as to generate adequate employment opportunities and investment in the said sector. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

However, without an appraisal of the position of the State, the amount of investment required cannot be estimated at this juncture.

YOGENDRA NARAIN,
Secretary-General.

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